

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20/10/2004

CORAM

THE HONOURABLE MR.JUSTICE P.D.DINAKARAN

Writ Petition No.2675 of 1997

Dr.W.B.Vasanth ... Petitioner

-Vs-

1.The Director General
Council of Scientific and
Industrial Research
Anusandhan Bhavan, Rafi Marg
New Delhi-110 001.

2.Dr.V.S.Sunder
Institute of Mathematical Sciences
Tharamani, Chennai - 600 113.

3.Mr.S.V.Giri
Chief Vigilance Commissioner
Government of India
New Delhi - 110 011.

4. Dr.N.V.C.Swamy .. Respondents

Prayer: Writ Petition under Article 226 of the Constitution of India
praying for the issuance of a Writ of declaration declaring that the Shanti
Swarup Bhatnagar prize prizeed by the first respondent to Dr. V.S.Sunder, the
second respondent, for mathematical sciences for the year 1996, is illegal,
arbitrary and unconstitutional, holding that the petitioner is entitled for
the Shanti Swarup Bhatnagar Prize for the year 1996.

For Petitioner :: Mr.K.Chandru, Senior Counsel
for M/s.Sanjay Ramaswamy

For Respondents :: Mr.K.Kumar, ACGSC - for R1
Ms.Aparna Mukherjee - for R2
Mrs.Uma vijayakumar - for R3

:O R D E R

Challenging the conferment of Shanthi Swarup Bhatnagar Award on the
second respondent Dr.V.S.Sunder, by the first respondent, in the field of
Mathematical Science for the year 1996, the petitioner has preferred the above

writ petition for a writ of declaration, declaring that the Shanti Swarup Bhatnagar prize prizeed by the first respondent to Dr.V.S.Sunder, the second respondent, for mathematical sciences for the year 1996, is illegal, arbitrary and unconstitutional.

2. According to Mr.K.Chandru, learned Senior Counsel, only Indian Scientists/Technologists, who are up to 45 years of age are eligible for consideration of the award and the first respondent ought not to have conferred the said award to the second respondent, who was doing his research elsewhere outside India. That apart, Mr.Chandru, learned Senior Counsel brought to my notice a comparative statistics of the research work done by the petitioner and the second respondent from 1 991 to 1995, which reads as follows:

NAME

1991

1992

1993

1994

1995

Total

I

C

I

C

I

C

I

C

I

C

I

C

W.B.Vasantha

2

0

7

0

17

0

17

0

12

1

55

1

V.S.Sunder

1

1

3

1

1

1
0
2
0
1
5
6

In the light of the above details, it is contended that the first respondent ought to have preferred the petitioner as against the second respondent for the conferment of the said prize.

3. Per contra, Mr.K.Kumar, learned senior counsel appearing for the first respondent contends that the writ petition as prayed for is not maintainable, as the selection for conferment of the said prize is being done by experts and the same cannot be questioned.

4. Ms.Aparna Mukherjee, learned counsel appearing for the second respondent contends that except that the second respondent had been asked to furnish details relating to his research and contribution to mathematical science and thereafter he had been prizeed with the impugned prize, he had no other knowledge and he has nothing to say in the matter.

5. I have given careful consideration to the submissions of both sides.

6. Merely because the second respondent was a non-resident Indian and he had done his research work as a Guest Professor in RIMS, Kyoto, Japan, it cannot be said that he is not an Indian Scientist. With regard to the comparative statistics of the research, it may not be proper for this Court invoking jurisdiction under Article 226 of the Constitution of India to test the quality of selection that had been done by experts in the field of mathematical science for selecting the scientist to confer the prize, as it is a settled proposition in law that in the matters involving consideration of questions regarding adequacy or sufficiency of a candidate for a particular post, the appointing authority, having the benefit of expert opinion, is better situated to judge whether the particular candidate is qualified for a particular post and courts should hesitate to interfere with the discretion of the appointing authority, so long as it is exercised bona fide, vide MAHESHWAR PRASAD SRIVASTAVA v. SURESH SINGH, AIR 1976 SC 1404.

7. In that view of the matter, finding it difficult to entertain the grievance of the petitioner and to grant the relief as prayed for, the writ petition is dismissed, however, observing that the dismissal of this writ petition should not be construed as a bar for appreciating the case of the petitioner for any award in future, if she is otherwise entitled to. No costs.

Index : Yes
Internet :Yes

kst/sasi

To:

1.The Director General
Council of Scientific and
Industrial Research
Anusandhan Bhavan, Rafi Marg
New Delhi-110 001.

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